

Message

From: Hinch, Jake (Inhofe) [Jake_Hinch@inhofe.senate.gov]
Sent: 7/2/2021 5:10:18 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Adhar, Radha [Adhar.Radha@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]
Subject: RE: Sen. Inhofe RE: 24(c) Dicamba Inquiry - OK letter and NC Question

Thanks, Sven. Really appreciate you running this down! Would you mind sharing EPA's response to OK's letter when you have that available to share? Thanks again.

Jake Hinch
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From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Friday, July 2, 2021 1:04 PM
To: Hinch, Jake (Inhofe) <Jake_Hinch@inhofe.senate.gov>; Adhar, Radha <Adhar.Radha@epa.gov>; Feustel, Ingrid <feustel.ingrid@epa.gov>
Subject: Sen. Inhofe RE: 24(c) Dicamba Inquiry - OK letter and NC Question

Jake – thanks for the inquiry on Dicamba. We've got the letter and will be responding to Oklahoma. Regarding your question about North Carolina's FIFRA 24(c) request, please see our response below.

Question:

Can you help me run down some information on a pesticide issue? It's my understanding that many states often ask EPA for and receive 24(c) "special local needs" exception for certain pesticide uses, including formulations of dicamba used with cotton and soybean seeds. In March, EPA turned down North Carolina's request for an 24(c) exception for specific dicamba formulations. We're trying to better understand EPA's decision and, specifically, find the supporting data, records, etc. that EPA used in making this decision that is highlighted in the attached letter from Administrator Regan to the NC Department of Agriculture. I've also pasted below the highlighted questions in the attached letter.

- "There is ample record evidence that off-field emissions and incidents tied to dicamba use have been associated with late season applications"
- "The EPA has identified efficacious alternatives to the dicamba-tolerant system in soybean that growers planting double crop soybean could utilize to provide control of glyphosate resistant weeds."

EPA Response

After a thorough review, EPA disapproved North Carolina's FIFRA 24(c) registrations that would have allowed use of dicamba on dicamba-tolerant soy and cotton for longer than authorized by EPA in its 2020 dicamba registration.

EPA acknowledges that grower flexibility would be enhanced by the uses the state is seeking, particularly for producers that rely on a later planting schedule. However, EPA determined that there is insufficient information available to show how over-the-top dicamba could be used as permitted by the North Carolina 24(c) registration without causing unreasonable adverse effects on the surrounding environment, including possible crop damage caused by off-target movement of dicamba.

Since EPA's 2020 decision was issued this past October, new data has not been made available that would justify any request to allow for more or longer dicamba spraying seasons. In addition, data are not currently

available to demonstrate that mitigation approaches less restrictive than the 2020 mitigation measures are equally protective. EPA issued its 2020 decision after a court vacated an earlier 2018 decision which found EPA substantially understated the risks that it acknowledged and that EPA entirely failed to acknowledge other risks. EPA's 2020 decision includes measures supported by EPA's risk assessments that can prevent damage to non-target plants that may have occurred in recent years, while allowing use of dicamba in a manner both protective of the environment and responsive to that court decision. The Office of the Inspector General (OIG) completed an investigation regarding EPA's 2018 registration decision for dicamba. OIG found that then-OCSPP senior leadership at the time of the 2018 decision directed career staff to change or omit information from scientific documents. This interference contributed to a court's vacating registrations for violating FIFRA by substantially understating or ignoring some risks.

Under the Biden-Harris Administration, EPA has returned to its core mission of protecting human health and the environment. EPA is committed to listening to its experts during the decision-making process and ensuring that decisions under FIFRA are guided by science. EPA looks forward to continuing to work with our state partners to collect data on the effectiveness of EPA's new risk mitigation measures that will be implemented for the first time in the coming growing season. EPA will also continue to provide effective pesticide tools that can be used in a way that protects human health and the environment, including non-target plants, animals, and other crops.

Supporting Documents:

- "There is ample record evidence that off-field emissions and incidents tied to dicamba use have been associated with late season applications"
 - Dicamba Use on Genetically Modified Dicamba-Tolerant (DT) Cotton and Soybean: Incidents and Impacts to Users and Non-Users from Proposed Registrations
 - Dicamba DGA and BAPMA Salts – 2020 Ecological Assessment of Dicamba Use on Dicamba-Tolerant (DT) Cotton and Soybean Including Effects Determinations for Federally Listed Threatened and Endangered Species
- "The EPA has identified efficacious alternatives to the dicamba-tolerant system in soybean that growers planting double crop soybean could utilize to provide control of glyphosate resistant weeds."
 - Assessment of the Benefits of Dicamba Use in Genetically Modified, Dicamba-Tolerant Cotton Production

Please let us know if any additional questions. Best,
Sven

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From: Hinch, Jake (Inhofe) [mailto:Jake_Hinch@inhofe.senate.gov]

Sent: Thursday, July 01, 2021 9:55 AM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>

Subject: RE: Sen. Inhofe RE: 24(c) Dicamba Inquiry

Hi Radha and Sven,

I'm just checking back in on the below request for clarifying information on North Carolina's 24(c) Dicamba denial. I also wanted to share with you a letter that the OK Secretary of Agriculture sent to Admin. Regan requesting relief and reconsideration of the June 30th and July 30th deadlines for using Dicamba products for agricultural uses. Can you please provide us with an update on when we should expect an response from EPA on this inquiry from June 17th? This is a really big deal to farmers in OK. Appreciate your time and help.

Best,

Jake Hinch

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